

**TOWN OF PEACHAM
SELECTBOARD
HEARINGS & SITE VISITS MINUTES
July 6, 2016
UNAPPROVED**

Present at one or more site visits and hearings:

Selectboard: Annette Lorraine, David Jacobs, and Tim Scott

Clerk to the Selectboard: Melissa Laurita Kohl

Public: Mike Bruton, Jerri Kohl, Town Clerk Tom Galinat, Jeff Berwick, Franny Berwick, Jock Gill, Ed Vilandre, Marty Cavanaugh, Rose Nunn, Rick Scholes, Tim McKay, Frank Miller, Aubrey Cabot-Case, Bill Rowe, Les Morrison, Steve Marine, Jody Marine, Dale Roy, Barbara Grey, Adam Kane, Patrice McDonough, John Marshall, Judy Ingham, Heather Faulkner

Annette called the site visit and meeting to order at 5:04P.M.

1. Additions to the Agenda
 - a. Review and Approve Bills
 - b. Review Correspondence
2. Site Visit Mill Terrace
 - a. Annette explained the Selectboard's proposal to discontinue a portion of Mill Terrace from Peacham Barnet Rd to 25 feet north of the bridge and to reclassify this section of road as a legal trail.
 - b. Annette explained that the site visit was an opportunity for the Selectboard to hear the public's comments and to listen to the community. The Selectboard would not be ...
 - c. Franny Berwick said that his family owned land all around this road and that they like to run their cattle over it and farm machinery.
 - d. Jeff Berwick suggested everyone exit the other end of the road, which would remain a class 3 road, as it is pretty unsafe and would be very difficult to access with equipment without widening the road, which would be challenging to do. He also said that while no one is currently living there that could change quickly if the property were sold. From a safety perspective, he thought it was important to keep this access open.
 - e. Annette clarified that with permission from the Selectboard other people could maintain the bridge and that the road would stay open to traffic. Turning it into the legal trail means the Town is not obligated to repair the bridge. In an environmental disaster she wants the town to be able to focus on other roads that are serving more people.
 - f. Jerri Kohl said that he uses it for walking and biking along with Melissa. He says that he prefers that it stays as a Class 3 road but if it is reclassified and the bridge is unmaintained he said that it would deteriorate faster if it was still used by cars. He said that if the bridge is not maintained he would like to see it closed to cars.
 - g. Jock Gill said that the only maintenance issue is the planks and based on the concrete and steel supports the bridge has a long and useful life.
 - h. Annette said that the State inspected the bridge recently and it received a good rating.
 - i. Frannie Berwick said that he has been ploughing his own road, which is a town road, and has been saving the town money that way.
 - j. Jeff Berwick asked what the cost of replacing the wood decking of the bridge would be.
 - k. Jerri Kohl said that google maps directs traffic this way and people may be used to taking this road. Jock Gill said that can be changed easily.
 - l. Ed Vilandre said that many GPS services do not update their data readily.
 - m. Annette said that the town can maintain a legal trail but are not obligated.

- n. Melissa Kohl asked if legal trails were entitled to FEMA grants. Annette said that Class 4 and legal trails were not entitled to FEMA grants. Tom said that if VAST maintained the bridge, it could qualify for other grants.
- o. Rick Scholes suggested an unlocked gate so that it could be opened to move cattle and equipment across and bikers/walkers can get through.
- p. Jeff Berwick said that he thinks it has been 25 years since the decking has been replaced.

The meeting was briefly adjourned to relocate to the next site.

Chair of the Board Annette Lorraine reconvened at Taylor Road at 5:37PM

1. Annette explained the Selectboard's proposal for Taylor Road and opened the floor to comments.
2. Barbara Grey asked if the road could become a legal trail.
3. John Marshall thought discontinuing the road was a no brainer as it saved the town money.
4. Jock Gill said that it was a good idea to protect farmers and to help build a tourist business and on balance the town gets a much more valuable asset.
5. Bill asked if the gift of land is contingent on closing the road.
6. Barbara said that she is across the street from the proposed park. Her neighbor said that she hopes it happens as it will be like an extension of her backyard and her kids can play there. Barbara is concerned that her neighbors young kids are going to be traveling regularly to the park either on an unsafe road or across an unsafe stream. She is also concerned about garbage in the park and who will clean it up.
7. Les Morrison said that he is an abutting land owner and he uses this road to access two fields.
8. Bill is an abutting neighbor and there are times when it is more convenient to come from this direction. He has a quarter mile of the legal trail and he could continue to use the full road per his lawyer. According to his lawyer, landowners on a road are allowed to keep using a road even after it is discontinued.
9. Barbara asked if there were plans for lights in the park and was concerned as that could increase night time use and associated loudness.
10. Ed Vilandre said that they submitted 9-10 pages of written testimony. He said that it costs the town roughly \$3,000 a year to maintain Taylor Road so discontinuing it would save the town money. He said that there are a lot of safety issues with the road, both for his family and for travelers who turn onto the road because of GPS or google maps. He said that last year they had more than \$5,000 in damages caused by someone who got lost and stayed the night on the property. He said that there has been a lot of vandalism, including removed gates and town road signs. He is concerned that this could result in death or injury. He wants to make it a win win for the town by creating a park that is safe and usable for everyone, including people with mobility issues. He said that there is a precedence for discontinuing roads as 17 roads had been discontinued in 1955. He said that this road has not been regularly used in 100 years. He said that they cannot use the road because of safety issues with motor vehicles. He said that he would like to enter into a partnership with an opt-in trail association. He said that they don't want to close anyone out, they want to include people on their land, and they want to keep it open to pedestrians and horses. He said that the road is hardly ever used. It is used most for ATVS and vandalism.
11. Barbara said that in the recent past there have been drug issues by the brook (of the proposed park) and that she has taken pictures of drug dealers there.
12. Jody has witnessed trucks barreling down the road and because access would be by the curve of the road, she thinks there are safety/traffic issues.
13. John said that both he and Jan are in favor of closing the legal trail and that they used to live where Tom Galinat does. He thinks that if the town accepts the gift of land, the town should proceed slowly. He thinks that having hours of access, good signage and enforcement of speed limit is all helpful.

14. Jeff Berwick is in favor of closing the trail and road and he thinks that it might end up being safer for Les Morrison to cross with his tractor. Jeff said that it sounds like Ed would be willing to work with people to access the road and there would be no traffic on the road. He said that he has that arrangement with another landowner.
15. Tom said that personally he would like to see all dead end class 3 roads that serve one house discontinued. He said they were assigned road status because of an agricultural service that was performed for the community. He thinks if there is no agriculture or service then the road should be reclassified.
16. Frank Miller said that the issue of safety has come up a number of times and he has read all of the safety issues that Ed and Marty are actively dealing with so he would close the trail.
17. Tom said that closing Taylor Rd would free up about 10% of the gravel budget.
18. Ed said that legal trails are not policed and there are no road rules. He said that cops can't enforce the speed limit on a legal trail.
19. Les said that he traveled this road for 60 years and the land has been in his family for 99 years and he has never been or felt unsafe with jeeps or anything else. Les said that if the town discontinued the road and ever wanted the road back, it would have to buy it back.
20. Dale Roy said that we are giving away our children's inheritance. He asked Ed, didn't you know that Nan tried to close this road? If we didn't do it for Nan, why should we do it for you?
21. Ed and Marty said that the GPS issue is new and that she never raised that as an issue. He said that she was also not willing to give up the class 3 road or to give the town land. Ed said that he is trying to create a win win for the community and doesn't want to take anything away from Peacham.
22. Heather said that she rents on the property and has a young daughter and she said that Ed and Marty travel a lot for work so she is there alone with her little daughter and does not feel safe. She said that strangers park here and that she has to keep an eye on her daughter to make sure she is safe.
23. Annette asked Les Morrison if he would still like to close the whole legal trail if the town closed the section through the Vilandre-Cavanaugh property.

The site visit was adjourned briefly to move to the other site.

Chair of the Board Annette Lorraine reconvened at the legal trail at 6:14PM

1. Annette explained the boundaries of the legal trail and that it was .92 miles long.
2. Jock suggested everyone walk up to the dooryard to see what the discussion was about. The public and the Selectboard walked up the entire length of legal trail that would be closed.
3. Tim McKay said that as a frequent recreationist around here on skis and walking - from a recreational standpoint he thinks an alternative trail would be nicer than the legal trail. He said that as most of you know, he was quite opposed to throwing it away 10 years ago. He said that a legal right of way is for our kids and grandkids and he thinks everyone should think about the long term issues.

The site visit was adjourned briefly to move to the other site.

Chair of the Board Annette Lorraine reconvened at Ewell Hollow site at 6:47PM

1. Ed showed everyone a map of the property with a drawing overlaid on top to show possible trails, parking, old mill sites, etc. He said that it has over 1000 feet of frontage on the brook and two swimming holes. He showed the parking area with a handicap accessible spot. He said that he wanted to create an access to the water for people with mobility issues. He said that there is about 250 feet of road frontage and most of the land and activity would be away from the road. He said that he wants to invest in trails, parking, ADA access, etc.
2. Steve and Jody said that they think the park is a great idea but they are really concerned about where it is situated on the road and the speed cars travel.

3. Tom discussed the possibility of a reduction of the speed limit and also enforcement of the current speed limit.
4. Adam asked about reaching out to Greenbanks Hollow site to find out if they face any issues with their park.
5. Barbara pointed out how dangerous the guard rails are and showed how dinged up they were.
6. Jock said that it could be a good ski loop.
7. The public walked one of the trails.
8. Jock said that removing the bushes along the road would increase visibility.

The Selectboard briefly adjourned at 7:14PM.

Chair of the Board Annette Lorraine reconvened at Town Hall at 7:45PM

1. Annette opened it back up to public comment and said that afterwards the Selectboard would deliberate.
2. Tom said he thinks the Ewell Mill site has historical significance. The safety issue that everyone discussed about the speed and traffic would be improved by the addition of anything in that neighborhood as it will bring attention and slow down traffic and if it doesn't, then it is a greater incentive for the town to decrease the speed limit. He said that there are 10 kids in the immediate area and they often already walk those woods together or as individual families and the families regularly walk that road.
3. Annette said that we clearly need more speed signage and more enforcement in that area (Ewell's Hollow).
4. Adam said to follow up on preserving options and looking to the future you can probably make a more compelling argument about the mill site. The town wouldn't have to do something with it now but you preserve an option for something that could be interesting and valuable to the town.
5. Mike said that he would think that the site should be carefully scrutinized for archeological digging and to see what's there. Should be something we give quite a bit of thought to. He thinks a lot of research could be done about where the buildings and facilities were there.
6. Jock said that he knows that there were mills on the other side of the road as well. He said that area was an industrial part of Peacham back in the day. He said that it could be a nice thing to do in Peacham - another reason to come to Peacham so he thinks it is a real opportunity to build value.
7. Melissa said that before making a decision about Mill Terrace ideally the town should know the real cost associated with that bridge. She thinks that the Berwicks do a lot for the community and this change is going to affect them.
8. Annette said that what started this is a motion to consider this road closure and that the Selectboard doesn't take the idea of giving up public rights lightly. The Selectboard takes it very seriously and the Selectboard is looking for a way to make up for the loss of that access. She is a big proponent of trails and more places that are more accessible to people whether they are in a wheelchair or just have sore knees.
9. As to the Mill Terrace decision the Selectboard deferred the decision to do more research into how much the Berwicks do use it and how inconvenient it would be to use the other entrance and how feasible to improve the other entrance and the price of replacing the decking or repairing the bridge. David will talk to Jeff Berwick and Jeremy about Mill Terrace issues. Tim will talk to Ray Young about the cost of replacing the decking on the bridge.
10. Annette said that the Selectboard will defer the decision about Mill Terrace until the next meeting.
11. Taylor Road Discontinuance and the Legal Trail
 - a. Tim has a few questions - he didn't realize that there are landowners who access their land and wanted to know how this would affect them. Annette read a letter from Bill Rowe's attorney from 2005. A quote from Okemo Mountain vs the Town of Ludlow - says under the common law property owners have a right to use a road they abut even after road is discontinued.

- b. Les Morrison said that it was not fair to just close half of the road and if this decision goes through he wants the whole road closed.
- c. Annette said that she has been trying to keep an open mind as she heard all of the comments and read all of the written comments that have been submitted over the last few weeks. Annette feels like the safety of the Vilandre Cavanaugh family is important and while they are just one family this is an issue that is going to keep coming up - it happened with Nan Woods, too. She is a big fan of public access and thinks that it is important to keep public access open but she is not wild about maintaining Taylor Rd when it just serves one house - it is not a farm that needs a milk truck to get to it and the Vilandres are willing to maintain it. The public safety is pretty important. They have suffered a lot of vandalism. She thinks that they are offering something that is pretty generous in return and she feels like in perpetuity could be valuable to the public. She is certain it will get more use than that legal trail. She doesn't see the public recreational benefit to being that great for the legal trail. She does understand what people are saying who do not like the idea but she thinks it is time to discontinue Taylor Rd and the legal trail and especially in exchange for a gift of public property.
- d. David agrees. He doesn't think they will be inconveniencing anyone in any significant way especially if neighbors can be neighbors. He thinks that the park can be an incredible opportunity and closing Taylor Road will save town money. He thinks the safety of the public will be served by discontinuing that road.
- e. Tim said that safety is the first thing so weighs heavy on me. He also thinks that it was a town road when the Vilandre bought it and when the Rows bought it it was a legal trail so he is having a little trouble with that but ultimately he thinks that Taylor Road needs to be thrown out because it will save the town money and it is only serving one house.
- f. **Annette makes a motion that Peacham discontinue town highway 18 which is Taylor Rd and it can be reclassified as a private road. David seconds. All in favor. So moved.**
- g. **Annette makes a motion to discontinue legal trail #1 which is known as the legal trail that runs between Taylor Rd and Old County Road and that it revert to the owners in fee simple of the lands under it. Tim seconds. All in favor. So moved.**
- h. **Annette thinks that our final order of discontinuance should be contingent on a written pledge. Annette moves to amend previous motion to make it contingent on some written pledge from Ed Vilandre and Marty Cavanaugh. David seconds. All in favor. So moved.**
- i. Review and Approve Bills
 - i. The Selectboard reviewed and approved bills.
- j. Review Correspondence
 - i. The Selectboard reviewed correspondence.

Annette moved to adjourn at 8:47PM. David seconds. All in favor. So moved.